

REMARKS

Upon entry of the foregoing amendment, claims 3-27 and 29-30 are pending in the application, with claim 3 being the independent claim. Claims 3-6 are sought to be amended. Claims 1 and 2 are sought to be cancelled by the present amendment without prejudice to or disclaimer of the subject matter therein. Claims 28 and 31 were cancelled by previous amendment. Claims 7-27 and 29-30 are withdrawn from consideration as being directed to non-elected subject matter.

Claim 3 has been amended to recite compounds in which R₃ and R₄, together with the nitrogen atom to which they are attached, form an optionally substituted piperazinyl ring, and in which R is a benzothiazolyl group. Support for this amendment can be found in claim 3 as originally filed. Claim 3 has also been amended to incorporate the definition of "n" from canceled claim 1, and to correct claim language, e.g., to replace "H" with "hydrogen." Claims 4-6 have also been amended to recite that the compounds are in free base form or in acid addition salt form. Support for these changes can be found throughout the specification as filed, and in claim 3 as originally filed.

These changes are believed to introduce no new matter and their entry is respectfully requested. Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

I. Restriction Requirement

Applicants acknowledge the Examiner's inclusion of method claim 6 into the Group I compound claims that Applicants previously elected for prosecution. Accordingly, claim 6 is no longer designated as withdrawn in the listing of claims in the current amendment.

II. Rejection of the Claims Under 35 U.S.C. § 112, Second Paragraph

Claim 2 is rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. (Office Action, at page 3, lines 1-6.)

To expedite prosecution and without acquiescing to the propriety of the rejection, Applicants have canceled claim 2, rendering the rejection moot. Accordingly, Applicants request that this rejection be withdrawn.

III. Rejection of the Claims Under 35 U.S.C. § 103

Claims 1-6 are rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Ohkawa *et al.*, U.S. Pat. No. 3,933,847 (“Ohkawa”), or Schäfer *et al.*, U.S. Pat. No. 4,035,740 (“Schäfer”), or Häusermann *et al.*, U.S. Pat. No. 3,014,041 (“Häusermann”), each taken alone. (Office Action, at paragraph 3, lines 1-3.)

Specifically, the U.S. Patent and Trademark Office (“Office”) suggests that the cited references teach compounds and compositions within generic formula I, and that one of ordinary skill in the art would thus have been motivated to pick and choose the particular combination of Markush elements as suggested by the reference examples of structurally similar compounds. (Office Action, at page 5, lines 6-7 and 13-15.) The Office concludes that “the selection of some among many is *prima facie* obvious, absent a showing of unexpected properties and results.” (Office Action, at page 5, lines 15-16.)

Applicants respectfully submit that one of ordinary skill, in view of either Ohkawa, Schäfer, or Häusermann, would not have arrived at the compounds of claims 3-6 as currently presented, because one of skill in the art would not have been motivated to select the claimed compounds in light of each of the cited references.

With respect to Ohkawa and Häusermann, neither reference discloses coumarin derivatives that are substituted at position 7 with a piperazinyl group, *i.e.*, none of the coumarin derivatives are substituted with groups corresponding to R₃ and R₄ of Applicants’ Formula I that, together, form a piperazinyl group. Moreover, neither reference suggests substitution with a piperazinyl group. Thus, neither reference teaches or suggests substitution of a coumarin ring with a piperazinyl group, a required feature of the claimed compounds and a required element of claims 3-6. Accordingly, one of skill in the art would not have been motivated to select the claimed compounds in light of Ohkawa or Häusermann.

With respect to Schäfer, this reference discloses coumarin derivatives substituted with a benzoxazolyl group, not a benzothiazolyl group as recited in the present claims. Although Schäfer discloses that in Formula 1, R₁ together with R₂ can form a heterocyclic ring, in the examples of specific coumarin derivatives disclosed in Schäfer, R₁ and R₂ are independently alkyl. Thus one of skill in the art, in view of Schäfer, would not have been motivated to select the coumarin derivatives of the present claims, *i.e.*, those substituted with both a piperazinyl group and a benzothiazolyl group.

For these reasons, Applicants submit that one of ordinary skill in the art, in view of Okhawa, Schäfer, or Häusermann, would not have arrived at the compounds of claims 1-6. Accordingly, claims 1-6 would not have been obvious in view of these references.

Applicants believe that the rejection of claims 1-6 under 35 U.S.C. § 103 has been overcome and requests that this rejection be withdrawn.

CONCLUSION

Based on the foregoing remarks, Applicants respectfully request that the Examiner reconsider all rejections and that they be withdrawn. Applicants believe that the present application is now in condition for allowance and request favorable reconsideration of the application as amended. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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